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[For examples of unsanctioned polygynous marriages see category 116, pp. 171-188.]

stipulation being that they may not marry a person who has never been married before. There is some feeling that an inexperienced youth should not marry an experienced woman. A widower may marry an unmarried girl if she has been in some way sexually delinquent. In this case, it is felt that she is a sinner and should not be foisted upon an innocent youth. In some instances, as in the following case, the youth is not at all adverse to the advances of a widow.

A widow marries a single youth. Augustín's mother had been widowed twice. This time she wanted to marry a young man who had never been married. She mentioned this several times to people, including her son. Augustín objected however, on the basis that this was not proper for a widow to do. Rather, he urged that she keep her eye out for a widower. Nevertheless, his mother clandestinely made love to the young man to whom she was attracted and became pregnant by him. She gave birth to a boy whom she immediately killed and then went to the ceremonial center of Punta Venado with her sister and buried the infant. During the next Easter fiesta at Punta Venado, Augustín advised the chief of

this incident and asked that his mother be punished. Both the young man and the widow however, suspected that they would be punished, and did not go down to the fiesta. The /ʔiⁿmʔi/ sent up a commission composed of one Indian and two Negroes who were ordered to apprehend them. Augustín paid the Negroes twenty sucres each and bought a few bottles of rum for the Cayapa.

The couple were brought before Arcilio and punishment was set at ninety lashes each. In addition, the woman was fined fifteen sucres for burying the infant in Punta Venado and was advised by the /ʔiⁿmʔi/ to marry a widower. The young man claimed that the woman was to blame for the illicit relationship and that she was always after him and wanting to marry him. After the official punishment had been meted out, Augustín beat his mother. Several months later the youth ran away to the Río Esmeraldas area with this widow. They remained there for two years. After two or three children were born to them, they returned to the Río Cayapas. This couple was permitted to live together, but later the husband and all of the children died within a year.

The Cayapa maintain that no supernatural sanctions

were involved in the demise of the man and his children. Jesus, they say, never punishes people while they are living, and the fact of having been punished on earth by a tribal official in no way mitigates one's punishment after death. The young man may have been killed by witchcraft, but the Cayapa aver that this is not supernatural punishment, and he probably "just died for whatever reason."

When asked why widows could only marry widowers, the answer was invariably, "Jesus ordered it that way." According to my informant, the couple was permitted to return to the community because of the children. They were still considered to be living in sin, but they had been punished, and now the matter was in the hands of Jesus. The /ʔuʔu/ had applied the law as far as he could. He could do no more. In a way very similar to the cases of polygyny, to be discussed in the next chapter, an innovation had been introduced into the community--a new behavioral pattern was available for emulation! For the Cayapa, the realm of sin seems to be the most fruitful for cultural change.

Divorce. Divorce is theoretically prohibited

The incestuous widow. The widow of the late /ũn^{y}i/, Arcilio, became pregnant by the son of Arcilio's brother, Arcide. They were both sentenced to fifty lashes but the boys' mother complained that this was too much, and that thirty lashes would be sufficient for her son. No one spoke up for the widow, and so she received the full fifty lashes for incest, even though prior to her marriage to the late /ũn^{y}i/ she and the boy were not related.

As sexual matters fall into the realm of sin for the Cayapa, a determined sinner, in the last analysis, can only be handled by God and not by law. The Cayapa are unable to cope effectively with a determined deviant, in most instances. Attitudes towards incest outside of the nuclear family seem to be changing, as illustrated in the following case.

When incest is no longer incest. Lorenzo Añapa of the Río Camerones was married to his /ãpinatsũhki/, 'father's brother's daughter.' They lived together for two months and then left to attend a fiesta at Punta Tigado. Camilio Blanco notified the /ũn^{y}i/, Arcilio, who ordered that they each be whipped forty lashes.

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Lorenzo was then told to give up his cousin, but when they all returned home from the fiesta, he took her back immediately. Meanwhile, a woman was sent down from Sapallo Grande to him, but he refused her, saying that he already had a wife. His wife's father said that he did not mind if Lorenzo married his daughter, and the girl's brother, Nuru, said that he was in favor of the marriage, and added, "they are not very close relatives anyway." Since the family of the girl did not object to this marriage, people did not gossip much, and Arcilio said that he would not punish them again, that "Jesus would know what to do when they died."

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Lorenzo had a reputation for being a good worker, and his cousin's family were happy to keep his economic services within the family. Their insistence that it was all proper and that, as first cousins, they were not closely related anyway was such a strong violation of Cayapa thought regarding incest that the couple were placed beyond the power of the law, ultra vires, and the burden of punishment was shifted to the supernatural. We stated that anyone who witnesses an

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incestuous act performed by strangers or members of his family will make the act known. There is one exception reported. A truly determined deviant as was Pablo Candelabu can get away with repeated incest.

The determined incestuous couple. Pablo Candalabu had been committing incest with his sister, who later gave birth to twins. Pablo took these new-born infants and threw them into the river, but the bodies were found by a Negro who went to the Teniente Político. The police came and arrested Pablo and his sister, resulting in their being fined, as well as jailed for a year. After their release from jail, they came to Encanto, where they continued living together. People gossiped and Pablo's "uncle" Gerardo, went to the Río Onzole, to get him a wife. Three months later they found a husband for his sister in San Miguel. When Pablo's sister later died, her husband did not cry at her funeral, claiming that he did not feel any grief because the woman was really her brother's wife and not his own. He then related at the funeral how once when he was out fishing at night, he came back to the house very quietly with the lamp extinguished and heard Pablo making love

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non-compromise position. Persistence in transgression, however, is tantamount to the defense of new value positions that leads to de facto compromise. The Cayapa judge, with the legal avenues that are open to him, cannot handle a strong personality, that is, one that either develops new values, as the polygynist, or the one that refuses to be deterred from wrongdoing, as in the case of the persistently incestuous couple.

Eventually, de facto compromise may assume the dignity of social acceptance. The affective restraint of the poor would-be polygynist, as opposed to the de facto acceptance of the wealthy polygynists, may lead to the formation of class distinctions: that is, a wealthy man will be permitted to have more than one wife but a poor man will not be permitted to enjoy this privilege. Normally, it would be expected that incest could achieve social acceptance only with great difficulty, but from an examination of the case of Lorenzo Knape (p. 139) it becomes clear that the incest range for some people is narrowing considerably, for in this case the incestuous arrangement has been given the express approval of the families concerned and de facto

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compromise on the part of the Cayuga permits the continuance of this union.

Many things somewhat beyond the ordinary cannot be handled directly, but only by means of de facto compromise or latently. Every society is an action system that in one degree or another utilizes specific innovations for definite ends. Often, the latent functions of an innovation incur more sweeping changes than do the manifest ones. For example, the manifest function of the Indian school was to increase literacy. Its latent function was to increase homosexual behavior. The cultural emphasis for the Cayuga seems to be that of latency, and sweeping changes come about, not because they are sought, but because the socio-psychological matrix of the law can only permit de facto acceptance of threats to basic values.

Cayuga law, in terms of de jure decisions is not at all able to "redefine relations between individuals and groups as the conditions of life change" (Bushnell 1954:371). Cayuga culture is not, however, moribund. Extraordinary socio-cultural changes are taking place precisely because the law cannot accommodate